



Division Bench (Criminal)

IN THE HIGH COURT OF JUDICATURE OF M.P. AT JABALPUR .

CRIMINAL APPEAL NO. 901 OF 1999 .

4475

APPELLANT
(in Part)

....

Kejuran. S/O- Sonairam Rawat .
aged about 55 years,
R/O- Kalyansager Para,
P/S- Bhatapara (Twon),
Distt- Raipur. M.P.

Filed on 31/3/11
by Shri P. Ghosh
Advocate

Rto. A. R. Versus

RESPONDENT

....

The State of M.P.

CRIMINAL APPEAL UNDER SECTION 374(2) OF THE CRIMINAL
PROCEDURE CODE 1973 .

आदेश पत्रक
G.A. 901/99
 मापला क्रमांक सन् 2006
 विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>Division Bench: -</u> <u>Hon'ble Mr. L.C. Bhadoo and</u> <u>Hon'ble Mr. Dharendra Mishra, JJ.</u> <u>16-2-2006</u> Miss Sangeeta Mishra, counsel for the appellant. Mr. U.N.S. Deo, Additional Public Prosecutor with Mr. M.P.S. Bhatia, Panel Lawyer for the State/respondent. Oral judgment dictated on Dais. <u>Per L.C. Bhadoo, J: -</u> The accused/appellant has preferred this appeal questioning legality and correctness of the judgment of conviction and order of sentence dated 19-2-1999 passed by the 1st Additional Sessions Judge, Baloda Bazaar, in Sessions Trial No.110/97, whereby learned Additional Sessions Judge after holding the accused/appellant guilty for commission of offence under Section 302 of the I.P.C., sentenced him to undergo imprisonment for life and pay a fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for six months. Case of the prosecution is that on 15-4-1996, Shanker informed Police Station: Bhatapara that at about 2 p.m. after taking meal he was taking rest, he heard the scream of a lady 'Save Save' from behind his house and also heard the cries of ladies on which he rushed towards the side from where he heard the screams and saw that persons were collected in front of the house of the accused, ladies were weeping and daughter of the accused Uma was weeping inside the house. He entered the house and saw that wife of the accused Gayatri Bai (since deceased) was lying on the cot and blood was lying beneath the cot. On enquiry from Ramlal, co-brother-in-law of the	

[पीछे देखिये]

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक G.A. 901/99 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The prosecution in order to establish charge against the accused examined 14 witnesses. Statement of the accused was recorded under Section 313 of the Cr.P.C. in which he admitted that he had gone to the Police Station. He had also admitted that the carpenter axe was taken into possession under Ex.P-3 and his clothes were taken into possession under Ex.P-2. Rest of the evidence was denied by this accused and he stated that he has been falsely implicated in the crime. Learned Additional Sessions Judge after hearing the arguments of Additional Public Prosecutor and counsel for the accused, convicted and sentenced the accused as mentioned in para 1 of this judgment. The homicidal death of Gayatri Bai is not in dispute. As far as involvement of the accused in the crime in question is concerned, the crime in question was witnessed by Keja Bai (PW-12) who is none else than mother of the deceased. She has stated in her evidence that on the fateful day when she came from Mandi after taking bath in the tank at 2-2.30 p.m. she saw that the accused was attacking her daughter after closing the door from inside and after committing the murder of her daughter he opened the door, at that time she was residing with them and after committing murder the accused ran away. She saw that the neck of her daughter was cut and she was writhing in pain. In cross-examination of this witness, defence has not been able to elicit any circumstance, which makes the evidence of this witness unreliable or untrustworthy. Moreover, the evidence of this witness stands corroborated by the medical evidence of Dr. Ramesh Chaba (PW-5) who has stated in his evidence that there was incised wound on left side of neck, bone was visible,	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

C.A. 901/99

मामला क्रमांक

सन् 2000

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	blood was oozing out of it; there was another incised wound just below the first injury, blood was oozing out of it; and there was lacerated wound on the mandible, bone of mandible was visible. Gayatri Bai died on account of shock and haemorrhage. Injuries were sufficient in the ordinary course of nature to cause death. His report is Ex.P-7. Even the accused has admitted in his statement under Section 313 of the Cr.P.C. that the carpenter axe, weapon of offence, was seized from him. From the F.S.L. report (Ex.P-17), blood was found on the carpenter axe and even on the shirt of the accused. Therefore, from circumstantial evidence, ocular evidence and medical evidence, involvement of the accused in the crime in question that he was the author of the crime in question has been established. The manner in which the accused assaulted the deceased on vital organ of her body with a deadly weapon like carpenter axe, makes intention of the accused clear to cause the murder of his wife. In the circumstances, we do not find any illegality or infirmity in the judgment of the trial Court. The appeal is devoid of merit, same is liable to be dismissed and it is hereby dismissed. Sd/- L.C. Bhadoo Judge	Sd/- Dhirendra Mishra Judge

[पीछे देखिये]